

REMARKS

The title has been amended as suggested by the Examiner.

In view of this amendment, withdrawal of the objection to the specification is respectfully requested.

Claims 1-3, 5-13 and 20 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Larson (US 2003/0069848). Claims 4, 14-19, 21 and 22 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Larson in view of Or (US 2002/0067742). Claims 1-22 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ballard (US 2002/0059457). These contentions have been obviated by the attached showing by Applicant, Thue M. Pontoppidan. This showing establishes the possession of the claimed subject matter prior to the filing date of U.S. Publication No. 2003/0069848 from the U.S. Application No. 09/828,702, and prior to the filing of U.S. Publication No. 2002/0067742 from the U.S. Application No. 09/729,234, and prior to earliest priority date of U.S. Publication No. 2002/0059457 from the U.S. Application No. 09/899,648. The declaration by Applicant and the attached Exhibit 1 provide a prima facie showing that, the subject matter in claims 1-22 was conceived prior to July 6, 2000, the earliest priority date of the cited U.S. Publications 2003/0069848, 2002/0067742, and 2002/0059457.

After conception, and prior to July 5, 2000, Applicant worked diligently with the patent attorneys who were members of Fish & Richardson P.C. to prepare a patent application that described the conceived invention. After this diligent preparation work, the above-referenced application was filed on April 26, 2001.

Based on the above, we respectfully submit that the cited U.S. Publications 2003/0069848, 2002/0067742, and 2002/0059457 are no longer effective references under 35 USC 102(e) or 103(a). Therefore, the rejections based on the cited U.S. Publications 2003/0069848, 2002/0067742, and 2002/0059457 should be withdrawn. Accordingly, claims 1-22 under consideration are patentable and are now in full condition for allowance.

In view of the submissions and remarks presented, all of the claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Enclosed is a \$110.00 for the One Month Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 11/17/04



William E. Hunter
Reg. No. 47,671

Fish & Richardson P.C.
PTO Customer Number: **20985**
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10424833.doc